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**NONPRECEDENTIAL**

Paper No. 123

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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IAN GARNER, MICHAEL L. DALRYMPLE, DONNA E. PRUNKARD, AND DONALD C. FOSTER  
(5,639,940),

and

DONNA E. PRUNKARD AND DONALD C. FOSTER  
(09/232,488)  
Junior Party,

v.

WILLIAM H. VELANDER, WILLIAM N. DROHAN, HENRYK LUBOŃ, AND JOHN L. JOHNSON  
(DECEASED)  
(08/443,184),  
Senior Party.

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Patent Interference No. 104,242

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**NOTICE REDECLARING INTERFERENCE**  
(37 CFR § 1.640(b)(1))

**FAXED**

JAN 15 2002

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

**Part A. Redeclaration of interference**

Interference 104,242 is redeclared to reflect the decision on motions (Paper No. 110) adding Garner's reissue application. This redeclaration is a housekeeping detail and does not change the status of the interference. Details of the application, patent, reissue application, count, and claims designated as corresponding to the count appear in Parts E and F of this NOTICE REDECLARING INTERFERENCE.

As a consequence of this redeclaration, a copy of the decision on motions and the decision on reconsideration shall be added to Garner's 09/232,488 application file.

**Part B. Administrative patent judge assigned to administer the interference**

No change.

**Part C. Standing order**

No change.

**Part D. Conference call to set dates**

Not applicable.

**Part E. The parties to this interference**

Junior Party

**Inventors:** Ian Garner, Michael L. Dalrymple, Donna E. Prunkard, and Donald C. Foster

**Patent:** 5,639,940

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**Inventors:** Donna E. Prunkard and Donald C. Foster

**Application:** 09/232,488

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**Attorneys:** See last page

**Address:** See last page

Senior Party

**Inventors:** William H. Velander, William N. Drohan, Henryk Luboń, and John L. Johnson (Deceased)

**Application:** 08/443,184

**Attorneys:** See last page

**Address:** See last page

**Part F. Count and claims of the parties**

Count 1

A method for producing biocompetent fibrinogen comprising:  
providing a transgenic female non-human mammal carrying in its germline heterologous DNA segments encoding A $\alpha$ , B $\beta$ , and  $\gamma$  chains of fibrinogen, wherein said segments are expressed in a mammary gland of said mammal and biocompetent fibrinogen encoded by said segments is secreted into milk of said mammal;

collecting milk from said mammal; and  
recovering said biocompetent fibrinogen from said milk.

OR

A transgenic non-human female mammal that produces recoverable amounts of biocompetent human fibrinogen in its milk, wherein said mammal comprises:

a first DNA segment encoding a secretion signal operably linked to a heterologous fibrinogen A $\alpha$  chain,  
a second DNA segment encoding a secretion signal operably linked to a heterologous fibrinogen B $\beta$  chain, and  
a third DNA segment encoding a secretion signal operably linked to a heterologous fibrinogen  $\gamma$  chain, and

further wherein each chain is derived from the same species and is operably linked to additional DNA segments required for its expression in the mammary gland of a host female mammal.

OR

A non-human mammal carrying in its germline DNA segments encoding A $\alpha$ , B $\beta$ , and  $\gamma$  chains of fibrinogen, wherein female progeny of said mammal express said DNA segments in a mammary gland to produce biocompetent fibrinogen.

The claims corresponding to Count 1:

Garner 940: 1-33

Garner 488: 1-34

Velander: 64-73<sup>1</sup>

**Part G. Heading to be used on papers**

Moot.

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<sup>1</sup> The decision on motions (Paper No. 110) contains a recommendation regarding Velander's claims 74-101.


**Part H. Summary of dates for taking action**

No change. Time for seeking judicial review continues to run from the date of the decision on reconsideration (Paper No. 122).

**Part I. Order form for requesting file copies**

Moot.

**Part J. Signature and enclosures**

  
RICHARD TORCZON  
Administrative Patent Judge

cc (via facsimile):

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## INTERFERENCE DIGEST

Interference No. 104,242

Paper No. 6

Name: Donna E. Prunkard et al.

Serial No.: 09/232,488

Patent No. 5,639,940, granted 06/17/97

Title: PRODUCTION OF FIBRINOGEN IN TRANSGENIC ANIMALS

Filed: 03/03/94

Interference with Garner et al. V. Velandar et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.